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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,674	01/22/2004	Michael Hosey	HG-04-01	5148

7590 04/03/2006  
STUART WHITTINGTON, ESQ  
7037 E. MONTE CIRCLE  
MESA, AZ 85208

EXAMINER
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DUONG, HUNG V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,674

Applicant(s)

HOSEY, MICHAEL

Examiner

Hung v. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

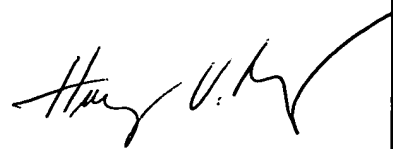
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
**HUNG VAN DUONG**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Sawinski (US Pat. 6,836,212).

Regarding claim 11, Sawinski discloses a portable media device comprising: an electronic unit 100; and a housing 400 configured to support the electronic unit 100, wherein at least a portion of the housing 400 is formed as a locking retaining clip comprising a moving member having a first position for attaching the media device 100 to a separate article and a second position for locking the media device 100 to the article (column 6, lines 20-39).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-10, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawinski (US Pat. 6,836,212) in view of Charlier et al (US Pat. 6,934,568).

Regarding claims 1, 5-10, 12-16 Sawinski disclose all the subject matter of the claimed invention except for the portable electronic device comprises a digital video device, a digital camera, an audio device, an MP3 player wherein the memory comprises a flash memory and wherein the data interface port comprises a universal serial bus (USB) interface wherein the locking retaining portion is removable from the housing wherein the locking retaining portion is configured as a protective cover for the data interface port. However Charlier et al disclose portable electronic device comprises a digital video device, a digital camera, an audio device, an MP3 player wherein the memory comprises a flash memory and wherein the data interface port comprises a universal serial bus (USB) interface wherein the locking retaining portion is removable from the housing wherein the locking retaining portion is configured as a protective cover for the data interface port (column 5, lines 60-67). Therefore, it would be obvious to one of ordinary skill to modify a digital video device, a digital camera, an audio

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device, an MP3 player of Charlier et al into Wang's portable housing in order to perform the desire electronic need.

4. Claims 4, 17-19, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawinski (US Pat. 6,836,212) in view of Charlier et al (US Pat. 6,934,568) and further in view of Siaperas U52001/0027151.

Regarding claims 4, 17-19, 21-22 Sawinski and Charlier et al disclose all the subject matter of the claimed invention except for the retaining clip is a carabineer clip and pivotally connected to the portable housing. However Siaperas discloses the retaining clip is a carabineer clip (see Siaperas figure 7, means 105). Therefore, it would be obvious to one of ordinary skill to include a retaining clip of Siaperas into Sawinski and Charlier et al 's portable housing in order to secure the housing.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Broemel, Jr. (US Pat. 4,827,809) teaches compatible extension tip for an air ratchet adaptor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Duong whose telephone number is (571) 272-2041. The examiner can normally be reached on M-F from 8:30 to 5:00PM.

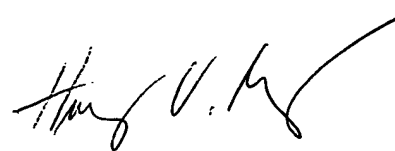
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on (571) 272-2092. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (866) 217-9197.

HVD

03/24/06.

A handwritten signature in black ink, appearing to read 'Hung V. Duong', with a long, sweeping horizontal stroke extending to the right.

Hung Duong  
Primary Examiner.